The article deals with challenges that public prosecutors face in the course of consideration of motions for the imposition of restraint measures by the court. Moreover, the author offers solution to some of the mentioned above issues.

The criminal procedure legislation stipulates wider range of rights restrictions for some participants of criminal proceeding in order to ensure their proper behavior and with the purpose of criminal justice objectives fulfillment. Mentioned range of rights restrictions is implemented via the application of measures to ensure criminal proceedings, and in particular, via the restrained measures, prescribed by the Criminal Procedure Code of Ukraine. It also depends on the ability of the public prosecutor to prove the necessity of imposing the concrete measure of restraint with proper objectivity and compliance with the requirements of the law.

Moreover, the public prosecutor has to consider the imperative ban upon satisfying the motion for the imposition of restraint measures if there are not enough evidences that prove the necessity of imposing of such measures.

At the same time, the public prosecutor has to consider that circumstances to be proved according to the motion for the imposition of restraint measures differ from the circumstances to be proved in criminal proceedings. Hence, the evidences for proving the necessity of imposing the restraint measures can both coincide and differ from the evidences collected with the aim of proving the accusation. All evidences collected by the public prosecutor have to be adequate, admissible and reliable, and the aggregate of collected evidence has to be sufficient to convict
the court in the necessity to take the decision on imposing the restraint measures. Before hearing on a motion for the imposition of restraint measures, the public prosecutor has to decide on cumulative evidence and on the order of their adducing in the court, moreover, he/she has to group them according to the aim they are serving for.

During hearing on a motion for the imposition of restraint measures, the public prosecutor can question the defendant upon authorization of the court. Unlike his/her testimonies on circumstances of committing the criminal offence, these testimonies of the defendant in the court do not have evidential force. Such kind of the ban is in the provisions of the Criminal Procedure Code of Ukraine.

The mentioned above activity of the public prosecutor is insufficient and ineffective to fulfill the criminal proceeding objectives in case of ill-founded reasoning of the motion for change, imposition or cancellation of the measure of restrain.

Therefore, the procedure activity of the public prosecutor concerning imposition of restraint measures of criminal proceeding in the course of the trial requires further theoretical study and amendments to the Criminal Procedure Code.